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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PENDLETON DIVISION

OREGON FIREARMS FEDERATION, INC.,  
et al.,

Plaintiffs,

v.

KATE BROWN, et al.,

Defendants.

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MARK FITZ, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants.

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KATERINA B. EYRE, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants.

Civil No. 2:22-cv-01815-IM (*Lead Case*)  
Civil No. 3:22-cv-01859-IM (*Trailing Case*)  
Civil No. 3:22-cv-01862-IM (*Trailing Case*)  
Civil No. 3:22-cv-01869-IM (*Trailing Case*)

CONSOLIDATED CASES

**SECOND DECLARATION OF  
CLAYTON CRAMER  
(MAGAZINE ISSUE)**

DANIEL AZZOPARDI, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**OREGON FIREARMS FEDERATION,  
INC.**, an Oregon public benefit corporation;  
**BRAD LOHREY**, Sherman County Sheriff;  
**ADAM JOHNSON, CODY BOWEN**,  
Union County Sheriff; **BRIAN WOLFE**,  
Malheur County Sheriff; **HAROLD  
RICHARD HADEN, JR.**,

Plaintiffs,  
v.

**GOVERNOR KATE BROWN**, Governor  
of Oregon, and **ATTORNEY GENERAL  
ELLEN ROSENBLUM**, Attorney General  
of Oregon, and **TERRI DAVIE**,  
Superintendent of the Oregon State Police,

Defendants.

Civil No. 2:22-cv-01815-IM

**SECOND DECLARATION OF  
CLAYTON CRAMER  
(MAGAZINE ISSUE)**

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## **I. PURPOSE**

This Expert Declaration and Report identifies one gross error of fact in DEFENDANT'S SUPPLEMENTAL BRIEF IN RESPONSE TO THE COURT'S ORDER OF SEPTEMBER 26, 2022. The claim: "From the colonial period into the early 20<sup>th</sup> century, mass murder occurred in the United States, but typically as a group activity, because technological limitations impaired the ability of a single person to commit mass murder." Even without Large Capacity Magazines (LCMs), mass murder was common and often individual in nature.

## **II. MY CURRENT RESEARCH PROJECT**

### **A. Defining Mass Murder**

Since 2019, I have been researching the history of mass murder in the United States. The definition of mass murder does not have a universal definition. The FBI's definition of mass murder is four or more dead (including the killer) in one event, in one location.<sup>1</sup> Other agencies, such as the U.S. Secret Service use the term "mass attacks" in which "three or more people are harmed."<sup>2</sup>

For purposes of my research, I have adapted the Secret Service's definition. For purposes of this research, I slightly extended the FBI definition to include at least two murder

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<sup>1</sup> FBI, *Serial Murder: Multidisciplinary Perspectives for Investigators* 8 (2008), distinguishing mass murder from serial murderers. "Generally, mass murder was described as a number of murders (four or more) occurring during the same incident, with no distinctive time period between the murders."

<sup>2</sup> U.S. Secret Service, *Mass Attacks in Public Spaces – 2019*, 6 (August, 2020).

victims committed in multiple locations within 24 hours and use the Secret Service's "three or more people harmed." The suicide or lawful killing of the mass murderer or murderers is not included in the total dead.

I have excluded multiday mass murders committed in riots, such as the New York City Draft Riots of 1863, and many of the race riots of the 20th century because they were not in one location. Determining when these murders took place precludes easy classification. I also have excluded crimes such as the Colorado cannibalism murders in 1874, because it is unclear over what period the victims were murdered.

There are deaths that might qualify as mass murder, but which have circumstances that might also qualify as lawful self-defense and are thus not included.<sup>3</sup> There are mass murders which appear to be gang-related; I have excluded many of those because determining if they were defensive in nature or not requires confidence in the integrity of the participants, who often have reason to lie.

Obviously, mass murder does not include acts of war. Mass murders committed by governments as official policy are outside the legal definition of murder. Other horrifying mass killings outside our definition include those performed by non-state actors with the acquiescence, assistance, or encouragement of local, regional, or national governments. Example: The Armenian genocide in Turkey during and immediately following World War I. Also excluded are governmentally supported acts of mass murder committed outside the rules of land warfare. The bombing of the Soo Locks on the Great Lakes shortly after U.S. entry into World War I, which would otherwise meet the criteria of mass murder, smells

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<sup>3</sup> *Renewal of Mob Attacks Resulting in 3 Deaths and 13 Injured on Second Day of Lawlessness Causes Governor to Act*, GREAT FALLS [MONT.] DAILY TRIBUNE, Aug. 7, 1920, at 1.

suspiciously like German sabotage and I therefore excluded it.<sup>4</sup> This also excludes one of the earliest American mass murders: ten murdered by Lenape Indians at a school in 1764 Greencastle, Pennsylvania,<sup>5</sup> as well as the many thousands (at least) killed in various Indian wars (such as the hundreds killed during the Dakota War of 1862).

I have excluded *most* mass murders of Indians by Indians because most were outside the civil society of America, and the records of such crimes are thus necessarily incomplete. The Criminal Justice Research Center's data on Colonial and Revolutionary New England murders contains examples that meet this definition.<sup>6</sup> I have included incidents here where a mass murder (by white or Indian and regardless of the victim's race) was clearly *not* a part of warfare, such as those motivated by robbery or kidnapping with the goal of ransom.

There are mass murders where the victim count includes people killed because a felony was taking place. Because of the felony-murder rule, I have included people killed lawfully in the course of a felony as mass murder victims, such as happened in the Johnson County War.<sup>7</sup> I have excluded incidents in which all the dead were felons.<sup>8</sup>

There are incidents which might be best categorized as mutual combat, where armed groups attacked each other with great loss of life but determining who were the victims and who were the murderers is not easy from surviving news coverage, such as the struggle between Democratic and Republican campaign workers in Clayhole Voting Precinct in 1922.

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<sup>4</sup> *Attempt Made To Wreck Soo Locks*, EAST OREGONIAN, May 16, 1917, 1.

<sup>5</sup> Robert J. Ursano, Carol S. Fullerton, Lars Weisaeth, Beverley Raphael, ed., TEXTBOOK OF DISASTER PSYCHIATRY 204 (2<sup>nd</sup> ed. 2017).

<sup>6</sup> Criminal Justice Research Center, *Homicide Among Adults in Colonial and Revolutionary New England, 1630-1797*, <https://cjrc.osu.edu/research/interdisciplinary/hvd/united-states/colonial-revolutionary-new-england>.

<sup>7</sup> *A War in Wyoming*, [Maysville, Ky.] EVENING BULLETIN, Apr. 13, 1892, 1.

<sup>8</sup> *Nevada Mining Boss Besieged in His Office*, KALISPELL BEE, Jan. 09, 1903, 1

The ensuing gunfight killed at least five people and wounded ten to thirteen others.<sup>9</sup>

I have excluded a small number of cases where trial found the killer not guilty of what were clearly mass murders. Example: Miss Verna Ware opened fire in the Gatesville courthouse in 1909, killing the man she accused of seducing her, two others not involved in the case and wounding a fourth.<sup>10</sup>

## B. Finding Mass Murders

How do you find historical mass murders? The phrase “mass murder” is quite rare in historical documents. Using the *ngram* tool in books.google.com for books published 1600-2000 shows essentially zero matches until 1952,<sup>11</sup> and many of the rare pre-1952 matches are actually abbreviations of Massachusetts such as “Mass. Murder” or “Mass., murder.”<sup>12</sup> The abbreviation “Mass.” causes similar problems when searching the Library of Congress’ collection of 1789-1963 newspapers for the words “mass” and “murder” within five words of each other.<sup>13</sup> An additional problem is the use of the phrase to describe governmentally sanctioned and indeed government-operated warfare.<sup>14</sup>

<sup>9</sup> *Some Facts About Clayhole*, [Lancaster, Ky.] CENTRAL RECORD, Jul. 20, 1922, 1.

<sup>10</sup> *Woman to Face Murder Charge*, WAXAHACHIE [Tex.] DAILY LIGHT, Feb. 8, 1909, 1; *Four People Wounded*, PALESTINE [Tex.] DAILY HERALD, Feb. 4, 1909, 2; *Jury Verdict Not Guilty*, LIBERTY [TEX.] VINDICATOR, Feb. 11, 1910, 1.

<sup>11</sup>

[https://books.google.com/ngrams/graph?content=%27mass+murder%27&year\\_start=1600&year\\_end=2000&corpus=17&smoothing=3&share=&direct\\_url=t1%3B%2C%27%20mass%20murder%20%27%3B%2C0](https://books.google.com/ngrams/graph?content=%27mass+murder%27&year_start=1600&year_end=2000&corpus=17&smoothing=3&share=&direct_url=t1%3B%2C%27%20mass%20murder%20%27%3B%2C0), last accessed June 12, 2018.

<sup>12</sup> Examples: Michigan State Prison, BIENNIAL REPORT OF THE BOARD OF CONTROL AND OFFICERS OF THE STATE HOUSE OF CORRECTION AND BRANCH PRISON OF STATE PRISON IN UPPER PENINSULA... 22, 41, 65 (1916); R.W. Bligh, comp., NEW YORK HERALD ALMANAC: FINANCIAL, COMMERCIAL AND POLITICAL REGISTER 1874 87 (1874).

<sup>13</sup>

<https://chroniclingamerica.loc.gov/search/pages/results/?state=&dateFilterType=yearRange&date1=1789&date2=1963&language=&ortext=&andtext=&phrasetext=&proxtext=mass+murder&proxdistance=5&rows=20&searchType=advanced>; Examples: ‘*Joe is a Good Boy,’ Declares Editor’s Parents*, [Chicago, Ill.] THE DAY BOOK, Oct. 25, 1912; 14; *Queries Pour in on J. Frank Hickey*, [Chicago, Ill.] THE DAY BOOK, Dec. 4, 1912, 28; *Written Authority to Walk in Your Own Town*, [Chicago, Ill.] THE DAY BOOK, Feb. 5, 1912.

<sup>14</sup> Jos. Veltman, *Do Workers Want War?* [letter to the editor] [Chicago, Ill.] THE DAY BOOK, Jan. 17, 1916, 23.

Searching the Library of Congress' *Chronicling America* collection of newspapers for the word's "murders", "murdered", "killed", "slain", "dead" in association with numbers found a sea of matches, most of which needed to be read before discarding. In many cases, similar or identical news stories appeared in multiple newspapers. If the same facts appeared repeatedly, and there were hundreds of references to an event, I did not read every newspaper account of that event.

There are several frustrating limitations of the *Chronicling America* collection:

1. Copyright restrictions make post-1922 newspaper collections incomplete.
2. Many of these mass murders, in addition to appearing in many different newspapers, sometimes appear in only one or two newspapers, far removed from the crime, both geographically and temporally. One example is a mass murder of three in Tamworth, N.H. in 1857 which appeared only in an 1858 summary of the previous year's events, which was published in Pennsylvania.<sup>15</sup> This made it difficult to gather additional data on the crime.
3. Nineteenth century accounts often used the word "murders" rather far afield from its legal meaning, or in reference to general social problems such as alcohol. This produced so many thousands of matches that I have often settled for detailed examination of the first 100 front page news stories. Newspapers in the nineteenth century also published many foreign news accounts and fiction. Limiting searches to the front pages thus reduced false positives which would have to be laboriously examined for location and fiction status. (If it didn't make the front page, it seems unlikely it could be either a specific crime, or something as shocking as a mass murder.)

Defining a mass murder by the number of dead can understate mass murders, if either police or civilian intervention interrupts the murderer. (There are some examples in my list of mass murders cut short, although not soon enough, by such actions.) In addition, some of the events gathered here list crimes in which the immediate coverage includes persons

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<sup>15</sup> *Principal Events of General and Local Interest During the Year 1857*, LEWISTON [PENN.] GAZETTE, Jan. 21, 1858, 1.

wounded so seriously that the coverage describes them as “probably fatally.”<sup>16</sup> When considering the nature of medical and surgical care available until my lifetime, it seems a good guess that those described as “probably fatally” wounded can be properly included among the dead.

Along with *Chronicling America*, I have made extensive use of the commercial site *Newspapers.com* and a few secondary sources.

Another valuable source was the list of “Homicide among Adults in Colonial and Revolutionary New England, 1630-1797,” compiled by Randolph Roth and Cornelia Hughes Dayton.<sup>17</sup> While this is a list of *all* murders, not just mass murders, it provided an additional source of incidents.

### C. Group Activity

The State’s claim is that earlier mass murders were “typically... a group activity, because technological limitations impaired the ability of a single person to commit mass murder.” The supposed distinction between modern individual mass murder and group mass murder of earlier centuries does not stand careful examination. Mass murder is *still* sometimes a group activity. Such happened at Littleton, Colo. on Apr. 20, 1999<sup>18</sup> and the terrorist attacks of September 11, 2001. Other recent group mass murders include one on Oct. 31, 2019, in Orinda, Cal. A conflict between gangs led to a shooting in which the

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<sup>16</sup> *Maniacal Unknown in Attempt to Exterminate Whole Family*, BISBEE [ARIZ.] DAILY REVIEW, Apr. 6, 1922, 1.

<sup>17</sup> Randolph Roth and Cornelia Hughes Dayton, comp., *Homicide among Adults in Colonial and Revolutionary New England, 1630-1797*, Oct. 2009, <https://cjrc.osu.edu/research/interdisciplinary/hvd/united-states/colonial-revolutionary-new-england>, last accessed June 12, 2018.

<sup>18</sup> R. Barri Flowers and H. Loraine Flowers, MURDERS IN THE UNITED STATES: CRIMES, KILLERS AND VICTIMS OF THE TWENTIETH CENTURY 59 (2001).

murderers shot to death five people and “several others were injured.”<sup>19</sup> On Dec. 31, 1986, in San Juan, P.R. three Teamsters attempted to negotiate a better labor contract with their employer by setting a fire that murdered 97 people.<sup>20</sup>

As this declaration later shows, individual mass murder is neither particularly modern nor dependent on technological advances.

#### **D. Data Limitations**

It would be very useful to be able to extract data identifying which were group mass murders and which were individual. When I started this project, this seemed an unnecessary detail and so I did not gather it. While I cannot provide that level of detail on group vs. individual mass murders, I can say with confidence that the mass murders in my collection are primarily individual, although there are a number that are group. How can I be so sure? Family mass murders are very common both historically and in the present. They are usually by either the father or mother. I cannot immediately recall an intra-family mass murder carried out by more than one person.

Before 1960, these intra-family mass murders are 741 of 1796 incidents: 2,784 out of 12,730 dead. (To avoid giving fame to the infamous, which produces Herostratic mass murders,<sup>21</sup> my synopses consistently exclude the murderer’s name.)

When gathering this data, I only recorded if a particular weapon was used rather than

<sup>19</sup> Annie Sciacca, “*It was a bloodbath*”: Orinda Halloween shooting investigation reveals gang connections, SAN JOSE MERCURY-NEWS, Nov. 17, 2019.

<sup>20</sup> 3 Teamsters Charged in San Juan Hotel Fire, CHICAGO TRIBUNE, Feb. 4, 1988, <https://www.chicagotribune.com/news/ct-xpm-1988-02-04-8803270617-story.html>, last accessed November 24, 2018.

<sup>21</sup> Clayton E. Cramer, *Ethical Problems of Mass Murder Coverage in the Mass Media*, 9:1 JOURNAL OF MASS MEDIA ETHICS 26-42 (Winter, 1993-94).

counting deaths by weapon. In older news accounts, there is no breakdown of deaths by weapon. In many cases, the state of forensic medicine would make it impossible to determine if the ax to the head or the subsequent knife to the throat was the fatal injury. It would make little difference which cause a victim's death: the murderer's punishment would be the same.

A few examples of individual mass murders:

Clarksburg, Va.: Nov. 10, 1805: Man murdered his wife and eight children. While found guilty, there was substantial evidence of mental illness. Weapon: ax.<sup>22</sup>

Hallowell, Me.: Jul. 9, 1806, James Purrington (or Purrinton), murdered his wife and seven of his eight children with an axe or knife before killing himself with a knife. The cause was unclear, but the murderer mentioned poverty in a suicide note. Weapon: ax.<sup>23</sup>

Uniontown, Wash. Feb. 25, 1901: A woman threw her six children down a 30 foot deep well, "then jumped into the well, and, the belief is, held their heads under water until all were drowned."<sup>24</sup> "She is violently insane. The woman's husband died a year ago, and she has been supported by the county and charity of neighbors."<sup>25</sup> Reporter interview supports evidence of insanity: "[S]he gave him incoherent reasons for slaying her little ones.... [s]he had read of the Chinese war and the terrible atrocities committed in the Orient, and had warning that the Chinese were coming today to burn her house and slay her children... Mr. Rustemeyer... was well acquainted with the family... He said... Mrs. Wurzer was never

<sup>22</sup> *Trial of Abel Clements*, [Edinburgh, Scotland] CALEDONIAN MERCURY, Aug. 25, 1806, 4.

<sup>23</sup> Laurel Thatcher Ulrich, A MIDWIFE'S TALE: THE LIFE OF MARTHA BALLARD, BASED ON HER DIARY, 1785-1812 291-307 (1990); HORRID MURDER! AT AN EARLY HOUR ON WEDNESDAY MORNING LAST, THE INHABITANTS OF THIS TOWN WERE ALARMED WITH THE DREADFUL INFORMATION... 1 (1806).

<sup>24</sup> *Drowned Her Six Children*, ADAMS COUNTY NEWS [Ritzville, Wash.] Feb. 27, 1901, 4.

<sup>25</sup> WASHINGTON STANDARD [Olympia, Wash.], Mar. 1, 1901, 3.

considered just right in her mind and thinks she should have been restrained of her liberty long ago." Weapon: drowning.<sup>26</sup>

Through 1960, there were 797 non-firearm mass murders: 3,781 dead: an average of 4.74 dead per incident; 840 exclusively firearms mass murders, 3,653 dead: an average of 4.35 dead per incident. Nonetheless, firearms mass murders were not rare, even with "primitive" technology:

### **Swan River, Minn. Terr. (1860)**

Early 1860 or late 1859: A very complex incident. One Chippewa warrior ("A") murdered another Chippewa ("B"). A few days later, B's squaw ("C") saw A, and shot him. A's brother ("D") shot C. C's brother ("E") shot D.

Category: public

Suicide: no

Cause: revenge

Weapon: firearm<sup>27</sup>

### **Coldwater, Mich. (1865)**

Jan. 30, 1865: Young man becomes engaged to a woman in Lorain Co., Ohio. This is a problem, because his wife in Coldwater, Mich., is about to give birth, so he returns home, where his wife lives with the young man's parents. In the midst of giving birth, the young man murdered his wife. When the young man's father and mother showed up, he shot them

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<sup>26</sup> *Killed Her Children*, COTTONWOOD [Ida.] REPORT, Mar. 1, 1901, 1.

<sup>27</sup> *Indian revenge*, MUSCATINE [Iowa] WEEKLY JOURNAL, Jan. 27, 1860, 1.

to death. (Other accounts identify the town as Woodstock, and that the murder of his wife and unborn child followed the murder of his parents.) His behavior after arrest, as newspaper coverage described, “suggests the charitable conjecture that the man is insane.” He confessed the crime and signed autographs for the crowd around the jail that described himself as “murderer of his wife, father and mother.” He invited his friends in Lorain County to visit him in jail “where they would find him ‘playing checkers with his nose, on the jail windows.’”

Category: family

Suicide: no

Cause: mental illness

Weapon: firearm<sup>28</sup>

### **Sleepy Hollow, N.Y. (1870)**

Jan. 1, 1870: Farmer murdered his wife, and two of his neighbors, father and son, who appear to have visited the murderer’s wife in his absence. The murderer had a reputation for being too fond of rum.

Category: public

Suicide: no

Cause: jealousy?

Weapon: firearm<sup>29</sup>

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<sup>28</sup> *A Triple Murder*, [Plymouth, Ind.] MARSHALL COUNTY REPUBLICAN, Feb. 16, 1865, 1.

<sup>29</sup> *A Triple Murder at Sleepy Hollow*, WILMINGTON [N.C.] JOURNAL, Jan. 14, 1870, 1.

**Glenville, Minn. (1889)**

Feb. 15, 1889: Murderer, relative of the victims, shot to death, “Mary Chemeieck, aged six, and her sister Rose, aged eleven...” Apparently, his niece, Rose, had spurned his advances. He then murdered their mother with a shotgun and committed suicide.

Suicide: yes

Cause: unknown

Weapon: pistol, shotgun<sup>30</sup>

Here is a mass murder that is not part of the database that shows how “primitive” firearms technology is not a barrier to school mass murder. A former teacher showed up at a Bremen, Germany, Catholic school “armed with six loaded revolvers.” He killed one teacher, two children, “three children were gravely injured, and three other children were slightly wounded.” The article described him as “demented.”<sup>31</sup> Depending on whether they were they were 5-shot, 6-shot, or 9-shot revolvers (all still common today) he could have fired 30, 36, or 54 shots without reloading. Of course, reloading a revolver with speedloaders can be done by a skilled shooter in a second or two at most.

Firearms become more common weapons by the 1920s. Axes and hatchets declined as wood stoves became less common. While I have not categorized the poison mass murders as precisely as I might do if I were starting from scratch, “illuminating gas” and “Rough on Rats” (both commonly used to wipe out your spouse and children) declined as automobile exhaust poisoning rose.

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<sup>30</sup> *He was a Rejected Lover*, ST. PAUL GLOBE, Feb. 17, 1889, 1.

<sup>31</sup> *Maniac Shot Many People*, BARRE [Vt.] DAILY TIMES, Jun. 20, 1913, 1.

This should be no surprise; mass murderers use what is available. This May 20, 1931, Mattoon, Ill. incident catches this improvisational nature well. A former employee of her late husband attempted to burn to death the woman and her two daughters with whom he had recently moved to Illinois. They escaped the burning house. He then shot to death the mother, attempted to strangle the daughters, then shot them and beat them to death with an automobile starter crank. Weapons: firearm, strangle, blunt.<sup>32</sup> Even today's gun mass murderers are not as narrowly focused as the popular imagination sees them. May 24, 2014, Isla Vista, Cal.: College student, upset about his sex life (or rather its absence) stabbed to death his three roommates, shot three women at a sorority (two of whom died), shot another student, injured two bicyclists by ramming them with his car, and shot and wounded four pedestrians.

Category: public

Suicide: yes

Cause: mental illness

Weapon: knife, pistol, automobile<sup>33</sup>

For the following table, some of these weapon types require explanation.

UNKNOWN means the weapon type was not identified in the article.

AIRCRAFT is for murders committed with an airplane (not all of which took place on Sep. 11, 2001). (Bombing of planes is in the EXPLOSIVE weapon type.)

TRAIN involves intentional derailment of trains to cause loss of life. The motivation

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<sup>32</sup> *Woman Shot. Tots Choked*, BROWNSVILLE HERALD, May 20, 1931, 1.

<sup>33</sup> Shelby Lin Erdman and Greg Botelho, *Timeline: A killer's rampage through a California college town*, CNN, May 27, 2014, <https://www.cnn.com/2014/05/24/us/california-rampage-timeline/>, last accessed November 27, 2018.

for most of these crimes in uncertain. One was insurance fraud; authorities alleged “that the men entered into the plot to get rid of their wives and at the same time to collect damages from the railroad company.” One of the murderers collected \$500 from the railroad for injuries to his wife.<sup>34</sup> Another, on Dec. 27, 1934: Police charged three men with the intentional derailment of a train, in the hopes that one of the train crew would lose his job, so that one of the three would get that job. The crash killed three employees and injured 16 passengers.<sup>35</sup>

Incident count by weapon type for mass murders before 1960 where only one weapon type was used:

UNKNOWN	862
AX	646
HATCHET	135
KNIFE	588
OTHERSHARP	215
BLUNT	868
EXPLOSIVE	299
POISON	286
STRANGLE	109
DROWN	139
ARSON	708
HANG	284
OTHER	157
PERSONAL	21
FIREARM UNKNOWN	2571
SHOTGUN	504
RIFLE	570
PISTOL	933
MACHINE_GUN	61
AIRCRAFT	
TRAIN	76

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<sup>34</sup> *Plot to Kill Their Wives*, [Maysville, Ky.] EVENING BULLETIN, Mar. 26, 1896, 1.

<sup>35</sup> *Trio Held In Wreck Accused Of Murder*, [Washington, D.C.] EVENING STAR, Mar. 10, 1935, 1.

When grouped by incidents where only non-firearms were used, 3,809 died. For firearms only mass murders, 2,068 died.

Many mass murders involve multiple weapons. Robert McConaughy, May 30, 1840, murdered his mother-in-law and her five children. Cause: robbery. Weapon: strangulation; stone; axe, rifle; knife. He confessed after the first hanging failed.<sup>36</sup>

### **III. KILLING PEOPLE WITHOUT MODERN FIREARMS TECHNOLOGY**

How do you kill lots of people without modern firearms technology?

#### **A. Explosives**

One popular method was explosives.

##### **Sells, Ark. (1900)**

Oct. 15, 1900: “[F]ather, mother, and four young children blown to atoms” by dynamite explosion. “It is believed that a dispute over a homestead claim prompted the outrage.”

Category: family non-resident

Suicide: no

Cause: greed

Weapon: explosives<sup>37</sup>

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<sup>36</sup> *Trial, Confession, and Execution of Robert M'Conaghy for the Murder of Mrs. Brown and her Five Children* 6-7, 9-10 (1841).

<sup>37</sup> *Whole Family Murdered*, [St. Genevieve, Mo.] FAIR PLAY, Oct. 20. 1900, 1.

### **Cripple Creek, Colo. (1904)**

Jun. 5, 1904: Someone set off a bomb under a train station platform where non-union men were waiting for a train during a strike. Twelve died “and a score or more injured...” Subsequently, “Forty shots were fired in a crowd in the street. Two men were killed and at least six persons wounded.” One of the dead “by blow from revolver.” Then the National Guard troops showed up and attempted to restore order.

Category: public

Suicide: no

Cause: labor

Weapon: explosives, firearm, blunt<sup>38</sup>

### **Mullins, W.Va. (1909)**

5/16/1909: The Black Hand used dynamite to blow up an Italian boarding house. One of the victims broke faith with the Black Hand. The explosion killed four and injured three.

Category: residential

Suicide: no

Cause: gang

Weapon: explosives<sup>39</sup>

### **Mudlow, W.Va. (1912)**

7/26/1912: Striking miners dynamited a machine gun operated by agents of the Baldwin

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<sup>38</sup> *Terrorism and Death Dominate Colorado*, SAINT PAUL GLOBE, Jun. 7, 1904, 1.

<sup>39</sup> *Black Hand Kills Four By Dynamite*, BLUEFIELD [W.Va.] EVENING LEADER, May 17, 1909, 1.

detective agency, killing three miners and seven detectives.

Category: public

Suicide: no

Cause: labor

Weapon: explosives<sup>40</sup>

### **Superior, Penn. (1914)**

11/15/1914: Someone blew up the Kanaza general store, which was also the Kanaza residence, with two separate dynamite bombs, killing Kanaza's three children and two other men. Five others suffered injuries. Mr. Kanaza believed the motive was revenge for a lawsuit.

Category: family

Suicide: no

Cause: revenge

Weapon: explosives<sup>41</sup>

### **San Francisco, Cal. (1916)**

July 22, 1916: Someone set off a dynamite bomb during the "Preparedness Day Parade," in preparation for World War I. While the identity of the murderers is uncertain (California Governor Culbert Olson many years later pardoned those originally convicted as evidence of perjury at the trial accumulated), circumstances suggests that it was the work of anarchists,

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<sup>40</sup> *Seven Detectives and Three Miners Dead*, SEATTLE STAR, Jul. 26, 1912, 1.

<sup>41</sup> *Dynamite Kills Five In Spite Act*, NEW-YORK TRIBUNE, Nov. 16, 1914, 1.

hostile to U.S. involvement in the war.

Category: public

Suicide: no

Cause: terrorism

Weapon: dynamite<sup>42</sup>

### **New York, N.Y. (1920)**

09/16/1920: Anarchists set off a bomb in Wall Street, killing 31 and injuring 125 others.

Category: public

Suicide: No

Cause: terrorism

Weapon: TNT<sup>43</sup>

### **Germantown, Md. (1920)**

11/18/1920: Two neighbors had a longstanding feud. On Election Day, one shot the other in the neck. The farmer shot in the neck took revenge with 50 pounds of dynamite, killing his neighbor, the housekeeper and her two children.

Category: family non-resident

Suicide: no

Cause: revenge

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<sup>42</sup> *Dynamite Trial Opens Today in 'Frisco; 10 Were Killed by Bomb*, BEMIDJI [Minn.] DAILY PIONEER, Jan. 3, 1917, 1; *Preparedness Day Bombing*, [https://en.wikipedia.org/wiki/Preparedness\\_Day\\_Bombing#Later\\_investigations](https://en.wikipedia.org/wiki/Preparedness_Day_Bombing#Later_investigations).

<sup>43</sup> *Bomb Batters Wall Street; 31 Slain, 125 Hurt*, THE SUN AND THE NEW YORK HERALD, Sep. 17, 1920, 1.

Weapon: explosives<sup>44</sup>

### **Pittsburgh, Penn. (1925)**

May 6, 1925: Two bombs destroyed three buildings, killing eight people immediately, and fatally injuring two others. One of the buildings housed a grocer who had been the victim of extortion threats by a Black Hand society.

Category: residential

Suicide: no

Cause: extortion

Weapon: explosive<sup>45</sup>

### **Bath, Michigan (1927)**

May 18, 1927: The treasurer of the local school board was angered by his property tax increase to pay for a new school building that he had opposed. He placed a dynamite bomb in the basement of the school, by which method he murdered 37 children and six adults as well as seriously injuring 44 others. Only a wiring mistake prevented other charges from taking down the rest of the building which would have endangered 150 more students. The murderer had already beaten his wife to death at their home before blowing up their house. He blew himself up in his car in front of the school 30 minutes after the school explosion.

Category: public

Suicide: yes

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<sup>44</sup> *Bomb Wrecks Farmers Home Killing Three*, [Salem, Ore.] CAPITAL JOURNAL, Nov. 19, 1920, 1.

<sup>45</sup> *Eight Are Killed In Blasted Homes*, [Washington, D.C.] EVENING STAR, May 06, 1925, 1.

Cause: revenge

Weapon: explosive, blunt object<sup>46</sup>

### **New York, N.Y. (1927)**

Oct. 8, 1927: Someone set off a dynamite bomb demolishing a four-story apartment building, killing five and injuring eleven. Why did police assume a dynamite bomb? “Finding of 20-Pound Unexploded Bomb Leads Police to Suspect Infernal Machine.”

Category: public

Suicide: no

Cause: unknown

Weapon: explosive<sup>47</sup>

### **Newton, Mass. (1928)**

01/31/1928: Someone used dynamite to destroy a building containing “extensive liquor making apparatus in the basement.” Six people died.

Category: private

Suicide: no

Cause: gang?

Weapon: explosive<sup>48</sup>

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<sup>46</sup> *Fate Saves Scores in Blast When Maniac's Plot Kills 43*, [Washington, D.C.] EVENING STAR, May 19, 1927, 1.

<sup>47</sup> *Four Killed In Bomb Explosion In Tenement District Of New York*, [Douglas, Ariz.] DOUGLAS DAILY DISPATCH, Oct. 09, 1927, 1; *Five Killed, 11 Hurt As Explosion Razes 35th St. Tenement*, NEW YORK TIMES, Oct. 9, 1927, 1.

<sup>48</sup> *Mystery Explosion Is Fatal To Six -Bodies Taken From Debris Of Two-Story*, BROWNSVILLE HERALD, Jan. 31, 1928, 1.

**Seat Pleasant, Md. (1930)**

01/01/1930: A belated and misdelivered Christmas gift was dynamite and exploded as the family unwrapped it. The explosion killed an expectant mother and two siblings, her mother, and injured two other siblings. The family was new to the community with no known enemies.

Category: family non-resident

Suicide: no

Cause: unknown

Weapon: explosives<sup>49</sup>

**Chesterton, Ind. (1933)**

10/10/1933: A bomb explosion in the cargo compartment aboard a United Airlines flight ripped the plane apart, killing seven people. Motive remained uncertain.

Category: public

Suicide: no

Cause: unknown

Weapon: explosive<sup>50</sup>

**Denver, Colo. (1955)**

11/1/1955: The 23-year-old son of passenger Daisie E. King eventually confessed that he placed a 25-stick dynamite bomb in her luggage, blowing up her airliner, killing 44

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<sup>49</sup> *Gift Package Bomb Kills Woman; 5 Hurt*, [Washington, D.C.] EVENING STAR, Jan. 01, 1930, 1; *Bomb Survivors Tell Of Explosion*, [Washington, D.C.] EVENING STAR, Jan. 12, 1930, 1.

<sup>50</sup> *Ill-Fated Plane Wrecked By Bomb US Prober Says*, INDIANAPOLIS TIMES, Oct. 14, 1933, 1.

people. The murderer had taken out life insurance policies on his mother and was expecting to receive a “substantial inheritance” upon her death.

Category: public

Suicide: no

Cause: greed

Weapon: explosives<sup>51</sup>

Since 1960, this technology, despite attempts to regulate explosives, remain a big dead per incident killer. Using fertilizer, a murderer on Apr. 20, 1995, set off a truck bomb in front of the Oklahoma City Federal Building killing 168 people and injuring hundreds more.

Category: public

Suicide: no

Cause: terrorism

Weapon: explosives<sup>52</sup>

## B. Arson

Arson is also a common and very low technology method to cause lots of suffering.

### New York, N.Y. (1903)

11/1/1903: Police and coroner believed that a tenement building fire that killed 26 people was “of incendiary origin.”

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<sup>51</sup> Flowers And Flowers, MURDERS IN THE UNITED STATES, 30-1; FBI, *Jack Gilbert Graham*, <https://www.fbi.gov/history/famous-cases/jack-gilbert-graham>, last accessed October 5, 2022.

<sup>52</sup> Flowers and Flowers, MURDERS IN THE UNITED STATES, 56-7.

Category: residential

Suicide: no

Cause: unknown

Weapon: arson<sup>53</sup>

### **Boston, Mass. (1913)**

1Feb. 3/1913: A lodging house refused a man a room “for want of 15 cents.” He lit the structure on fire, killing 27 lodgers in a dangerously renovated structure.

Category: residential

Suicide: no

Cause: revenge

Weapon: arson<sup>54</sup>

### **San Francisco, Cal. (1944)**

03/27/1944: Over a period of four hours, five San Francisco skid row hotels “burst into flames” following a previous weekend of 11 fires in Oakland hotels. The New Amsterdam Hotel fire killed 22 and injured 27. “Authorities noted an odor of kerosene or gasoline.” One tenant, 33, showed injuries from the fire and was held in the “hospital psychopathic ward.”

Category: public

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<sup>53</sup> *Tenement House Fire*, [Maysville, Ky.] EVENING BULLETIN, Nov. 2, 1903, 4.

<sup>54</sup> *Burns Lodging House When Refused Room; 27 Homeless Men Died*, [New York, N.Y.] EVENING WORLD, Dec. 3, 1913, 1.

Suicide: no

Cause: mental illness

Weapon: arson<sup>55</sup>

### Tulsa, Okla. (1921)

05/01/1921: The police arrested a young black man for what later appears to have been an accidental touching of a white female elevator operator. Rumors spread those police charged him with sexual assault. A lynch mob arrived at the county jail. The sheriff and deputies prevented seizure of the young man. A group of armed black men offered to help the sheriff defend the jail. This display of arms by black men inflamed white public sentiment leading to the destruction of Greenwood, the black section of Tulsa. More than one thousand homes were burned and *at least* 36 dead. Newspapers and public officials removed news accounts and official records about the riot from files. The Tulsa Race Riot Commission in 2001 “concluded that between 100 and 300 people were killed and more than 8,000 people made homeless over those 18 hours in 1921,” with many bodies buried in unmarked mass graves.

Category: public

Suicide: no

Cause: racism

Weapon: firearms, arson, unknown?<sup>56</sup>

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<sup>55</sup> 22 Killed In Hotel Fire In San Francisco, [Santa Cruz, Cal.] SANTA CRUZ SENTINEL, Mar. 29, 1944, 1.

<sup>56</sup> Tulsa Race Riots, <https://www.history.com/topics/roaring-twenties/tulsa-race-massacre>, last accessed July 5, 2021.

## Chicago, Ill. (1958)

Dec. 1, 1958: Our Lady of the Angels school burned, killing 95.<sup>57</sup> Several years later, a 13-year-old confessed while on a lie detector that he had started the fire: “because he hated school, rebelled at the authority of teachers, liked to hear the sound of fire sirens and to watch fire engines race along the street.”<sup>58</sup>

After 1960, of course, there have been several arson mass murders with equal or larger death counts, and this remains a common method of mass murder in other nations. In Australia, an arsonist burned the Childers, Queensland’s Palace Backpackers Hostel in 2000, killing 15.<sup>59</sup> The 2011 Quakers Hill Nursing Home fire killed eleven, set by a nurse after police questioned him about drug abuse.<sup>60</sup> Japan had several arson mass murders in late 2021, killing 24, 17, and 33 in separate incidents.<sup>61</sup> These required no advanced firearms technology or even firearms. The previously mentioned San Juan, P.R. arson mass murder killed 97.<sup>62</sup> The March 25, 1990, Happyland Social Club fire killed 87 people, leaving three survivors. Angry at his girlfriend, the murderer used \$1 of gasoline and a match to set fire to her place of employment.<sup>63</sup>

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<sup>57</sup> Our Lady of the Angels School fire, [https://en.wikipedia.org/wiki/Our\\_Lady\\_of\\_the\\_Angels\\_School\\_fire](https://en.wikipedia.org/wiki/Our_Lady_of_the_Angels_School_fire)

<sup>58</sup> Boy Admits Fire Fatal To 95, MIAMI NEWS, January 16, 1962, 1.

<sup>59</sup> A Decade On, Childers Remembers Hostel Fire Tragedy, BRISBANE [Australia] TIMES, Jun. 23, 2010.

<sup>60</sup> Candace Sutton, Man Who Murdered 11 People in Nursing Home Fire 'Frothed At The Mouth' From Drugs And 'Put Nails In Tyres And Poured Paint' Over Boss's Car, Inquest Hears, [U.K.] DAILY MAIL, Sep. 8, 2014.

<sup>61</sup> Makiko Inoue, Motoko Rich and Hikari Hida, 24 Dead in Suspected Arson at Office Building in Japan, N.Y. TIMES, Dec. 16, 2021, <https://www.nytimes.com/2021/12/16/world/asia/japan-fire-osaka.html>, last accessed November 21, 2022.

<sup>62</sup> 3 Teamsters Charged in San Juan Hotel Fire, CHICAGO TRIBUNE, Feb. 4, 1988, <https://www.chicagotribune.com/news/ct-xpm-1988-02-04-8803270617-story.html>, last accessed November 24, 2018.

<sup>63</sup> Ralph Blumenthal, Fire in the Bronx; 87 Die in Blaze at Illegal Club; Police Arrest Ejected Patron; Worst New York Fire Since 1911, NEW YORK TIMES, Mar. 26, 1990.

### **New Orleans, La. (1973)**

Jun. 24, 1973: The murderer took revenge for being expelled from the Upstairs Lounge, a gay bar. He walked down the street and bought a bottle of cigarette lighter fluid, killing 33 people.<sup>64</sup>

### **Chicago, Ill. (1976)**

01/30/1976: An employee of Wincrest Nursing Home with a mental illness problem (pyromania) started a fire in a clothing wardrobe, which killed 22 residents. The employee was charged with arson.<sup>65</sup>

## **C. Brutal Misuse of Tools**

### **Villisca, Ia. (1912)**

Sep. 9, 1912: It appears that a business competitor and member of the Iowa State Senate murdered Joseph Moore, his wife Sarah, their four children and two visiting children “with an ax.” An “itinerant minister” was charged. The Iowa Attorney-General “sought to commit” the minister “to an insane asylum, a step that would bar the prosecution of any other person suspected of the crime.”

Relatives of the victims claimed that the Attorney-General blamed the wrong person; in response, the Iowa legislature passed a law prohibiting public discussion of the crime. This led to an “injunction against J.N. Wilkerson, a detective, whose four years’

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<sup>64</sup> Elisabeth Dias with Jim Down, *The Horror Upstairs*, TIME, Jul. 1, 2013.

<sup>65</sup> National Fire Protection Association, *Preliminary Report NFPA Fire Analysis Department Wincrest Nursing Home*, 1, 4, <https://oac.cdlib.org/view?docId=hb9v19p0sd&doc.view=frames&chunk.id=div00008&toc.id=0>, last accessed November 27, 2022; *Woman Indicted in Chicago Blaze*, NEW YORK TIMES, Feb. 4, 1976.

investigation of the murders cast suspicion on a prominent state senator.” The public meeting by Villisca residents took place in Omaha, Neb., instead.

Category: greed

Suicide: no.

Cause: greed

Weapon: ax<sup>66</sup>

## D. Panic

### Calumet, Mich. (1913)

Dec. 24, 1913: A man shouted, “Fire! Fire! Everybody rush!” in the Italian Hall where striking miners and their families were meeting for a Christmas party. (There was no fire.) As the crowd attempted to exit the hall through an inadequate exit, seventy-four people (mostly children) were trampled to death.<sup>67</sup> One account ascribed the false claim to “a drunken” man,<sup>68</sup> but considering the murder of strikebreakers in Calumet a few weeks before in the middle of a fierce labor dispute,<sup>69</sup> this seems unlikely as the cause.

Category: public

Suicide: no

Cause: labor

Weapon: mouth<sup>70</sup>

## Causes

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<sup>66</sup> *Villisca Ax Murders to Be Discussed in Mass Meeting*, OMAHA DAILY BEE, Jul. 6, 1917, 1.

<sup>67</sup> *Ore Miner Charged Eight-Seven Cents for Month's Labor*, OMAHA DAILY BEE, Feb. 12, 1914, 1.

<sup>68</sup> *Day of Joy is One of Sorrow*, [Valley City, N.D.] WEEKLY TIMES-RECORD, January 1, 1914, 6.

<sup>69</sup> *Strike Breakers Taken to Mines at Point of Pistols*, OMAHA DAILY BEE, Jan. 11, 1914, 1 (based on U.S. Dept. of Labor report).

<sup>70</sup> *Ore Miner Charged Eight-Seven Cents for Month's Labor*, OMAHA DAILY BEE, Feb. 12, 1914, 1.

The focus of the State on the *method* of mass murder might be better spent on solving the problem by solving underlying causes.

The following table shows the proximate cause of all mass murders in my database before 1960. (After 1960, the data is not yet complete.) A breakdown of these abbreviations:

- **Rob** is a mass murder performed as part of a robbery or to eliminate witnesses to the robbery.
- **MI** (Severe mental illness, primarily psychoses and other illnesses that cut off the sufferer from reality) includes all crimes where either contemporary accounts describe the murderer as insane, or where the nature of the crime makes other explanations implausible (this is necessarily a judgment call, on which my experience with mentally ill relatives and friends informs my opinion). The legal definition of mental illness is much narrower than the medical definition. Through most of U.S. history, the McNaughton Rule (sometimes spelled M'Naughten) defined legal insanity as: "at the time of committing the act, the accused was laboring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing or, if he did know it, that he did not know what he was doing was wrong."<sup>71</sup> A person who did not know he was doing wrong, was insane.

Persons who are medically mentally ill sometimes know that they are doing wrong and try to escape arrest and conviction (perhaps because the "aliens," or the CIA or KGB "agents" that they have just murdered are still after them). Such persons are legally sane, while in any conventional sense, they are as "mad as hatters."

- **MI?** are persons whose sanity seems questionable but for which contemporary accounts are less than persuasive.
- **PPD** (Postpartum Depression): Tragically, many of these mentally ill or possibly mentally ill incidents are mass murders by mothers with recently born babies. In cases where the murders are by recent mothers and where news accounts provide no other explanation, I have categorized these as **postpartum depression**. Some news accounts identified the mother as 'temporarily insane' with no previous history of mental illness. In a few cases the news accounts

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<sup>71</sup> *The insanity defense and Diminished Capacity*, <https://www.law.cornell.edu/background/insane/insanity.html>

report on previous mental illness hospitalizations associated with previous births.

- Many cases I have listed as “**PPD?**” because this is a plausible explanation when no other seems more likely.
- **Resist** is a criminal resisting arrest.
- **Unknown** describes a very large number of crimes where either the motivation is unclear, or the newspaper coverage is silent; this also includes some mass murders where the inability to identify the murderer makes cause impossible to determine.
- **Religion** is mass murders committed as part of religious persecution. (And yes, in America!)
- **Racism** is its frequent cousin. In some cases, these include revenge or retribution against Indians for crimes not, or at least not clearly committed by the victims.
- **Politics** are murders committed to advance a political cause.
- **Terror** are mass murders committed to cause mass fear for purposes of political change outside elections. Example: 9/11.
- **Revenge** are mass murders committed to take revenge for real or perceived injuries by the murdered, family, or acquaintances.
- **Ind** are crimes between Indians and settlers that are not official acts of war, but that might have been seen that way by the murderers. I have classified all attacks against peaceful travelers, settlers, and Indians in this cause. (In some cases, the killers openly admitted that the victims were “peaceful,” but were supplying guns to less friendly tribes.)<sup>72</sup>
- **Financial** is a strange subclass of family murders committed, usually by a parent concerned their family is about to become impoverished, who then “protect” them from that suffering by mass murder. In some cases, this seems to be a form of mental illness: at least one example involved a mass murderer who was in no danger of impoverishment.
- **Labor** are crimes committed during labor disputes, sometimes against strikebreakers, sometimes against labor unionists.
- **Quarrel** are incidents that start out as some relatively minor dispute before escalating into a disproportionate response.
- **Cult** refers to mass murders committed by oddball religious cults; I was surprised how widespread these were in the early 20<sup>th</sup> century (the Church of the Sacrifice slaughtered entire families, often with the family’s own ax).

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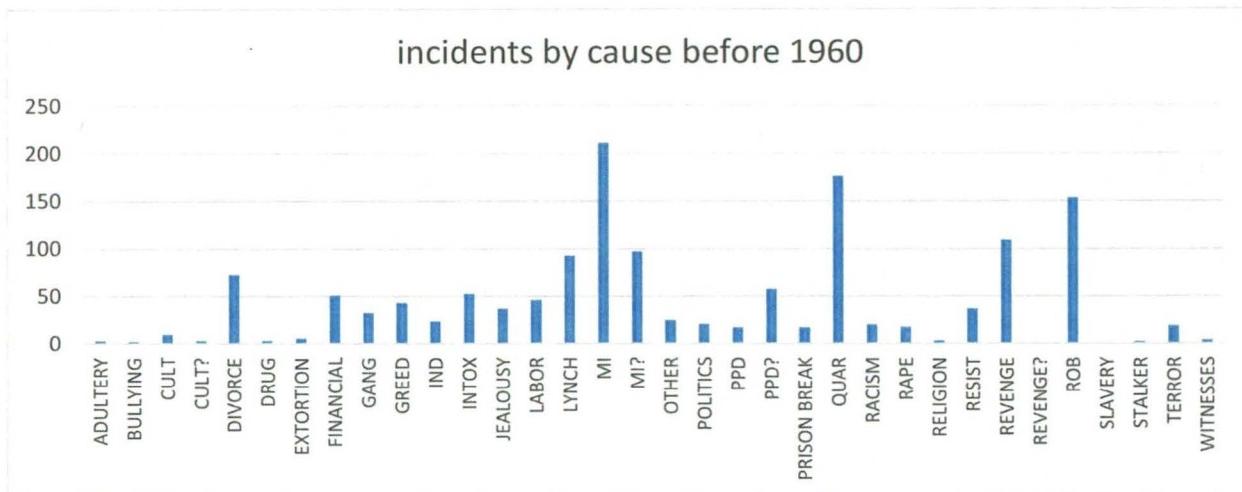
<sup>72</sup> From California and Oregon, [Washington, D.C.] EVENING STAR, Mar. 21, 1860, 2.

- **Rape** are mass murders committed to eliminate witnesses to a rape.
- **Greed** are mass murders carried out to obtain wealth other than by robbery, often by inheritance from the deceased.
- **Divorce** is an alternative form of **Revenge**; divorce has been or is in the process and someone is seeking retribution. This includes separated spouses attempting reconciliation.
- **Adultery**: a variant of **Revenge**.
- **Jealousy**: should be obvious.
- **Intoxication** are crimes attributed to alcohol or drug-induced stupidity. The strong overlap between **mental illness** and **substance abuse** (one often causing the other) makes some of these hard to distinguish, especially 150 years after the crime.
- **Bullying** is a recent category, and one that I suspect reflects some deeper mental illness.
- **Stalker**: someone did not get their attentions rewarded as they saw fit.
- **Witnesses**: Eliminating witnesses to some crime other than rape or robbery.

incidents by cause before 1960	
Cause	incidents
ADULTERY	3
BULLYING	2
CULT	10
CULT?	3
DIVORCE	73
DRUG	3
EXTORTION	6
FINANCIAL	51
GANG	33
GREED	43
IND	24
INTOX	53
JEALOUSY	37
LABOR	46
LYNCH	93
MI	211
MI?	97
OTHER	25

incidents by cause before 1960	
Cause	incidents
POLITICS	21
PPD	17
PPD?	58
PRISON BREAK	17
QUAR	176
RACISM	20
RAPE	18
RELIGION	3
RESIST	37
REVENGE	109
REVENGE?	1
ROB	153
SLAVERY	1
STALKER	2
TERROR	19
UNKNOWN	447
WITNESSES	4

Plotting the cause without UNKNOWN shows the high frequency causes:



It should surprise no one that mental illness and likely mental illness are a high frequency category. While most mentally ill people are primarily a hazard to themselves,

severely mentally ill people are overrepresented in murder and other violent crimes.<sup>73</sup>

Deinstitutionalization of the mentally ill starting with New York in 1964 and California in 1969 played significant roles in increased homelessness and violent crime rates.<sup>74</sup>

Professor Bernard E. Harcourt points out that the rise in murder rates in the 1960s, and their decline in the 1990s, correlated with the change in the percentage of the population that was institutionalized: those who were confined to either a mental hospital or prison. According to Harcourt, sociologists examining the expansion of imprisonment in the 1990s, the so-called “incarceration revolution,” missed the even more important component of institutionalization: mental hospitals. When adding mental hospital inmates to prisoners, Harcourt found an astonishingly strong negative correlation between the institutionalization rate, and the murder rate: -0.78. Harcourt found that even when adjusting for changes in unemployment and the changing fraction of the population that was at their peak violent crime ages, the negative correlation remained strong, and did a better job of predicting both the 1960s rise and the 1990s decline in murder rates than other models.<sup>75</sup>

Steven P. Segal of the University of California, Berkeley studied state-to-state variations in murder rates and mental health care, controlling for socioeconomic, demographic, and geographic data. He concluded that “[l]ess access to psychiatric inpatient-beds and more poorly rated mental health systems were associated with increases in the

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<sup>73</sup> See Clayton E. Cramer, *Mental Illness and the Second Amendment*. 46 Connecticut Law Review 1301-6 (May 2014):(collecting studies).

<sup>74</sup> See Clayton E. Cramer, *MY BROTHER RON: A PERSONAL AND SOCIAL HISTORY OF THE DEINSTITUTIONALIZATION OF THE MENTALLY ILL* (2012) and Jean Isaac Rael and Virginia C. Armat, *MADNESS IN THE STREETS: HOW PSYCHIATRY AND THE LAW ABANDONED THE MENTALLY ILL* (1990) for how beautiful abstract theories and fanaticism created the tragic urban landscape of modern America.

<sup>75</sup> Bernard E. Harcourt, *From the Asylum to the Prison: Rethinking the Incarceration Revolution*, 84 Texas Law Review 1766-75 (2006).

homicide rates of 1.08 and 0.26 per 100,000, respectively.” (Since the national average homicide rate was 7.4 per 100,000 people for 2020,<sup>76</sup> more access to beds is clearly quite important in reducing homicide rates; “poorly rated mental health systems” matter, but not as dramatically.)

Segal observed an even greater difference from the variation in involuntary civil commitment (ICC) laws. “Broader ICC-criteria were associated with 1.42 less homicides per 100,000” or bit more than one-fourth of the national homicide rate. In short, states where involuntary commitment of the mentally ill was relatively easy had significantly fewer murders than states where it was very hard.<sup>77</sup>

A 2000 *New York Times* examination of mass murderers concluded:

The Times' study found that many of the rampage killers... suffered from severe psychosis, were known by people in their circles as being noticeably ill and needing help and received insufficient or inconsistent treatment from a mental health system that seemed incapable of helping these especially intractable patients.

Only a small percentage of mentally ill people are violent, and many advocates bristle at any link between mental illness and violence out of concern that it will further stigmatize an already mistreated population.

However, the Times investigation of this particular style of violence -- public rampage killings -- turned up an extremely high association between violence and mental illness. Forty-seven of the killers had a history of mental health

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<sup>76</sup> Centers for Disease Control and Prevention, National Center for Health Statistics. National Vital Statistics System, Mortality 1999-2020 on CDC WONDER Online Database, released in 2021. Data are from the Multiple Cause of Death Files, 1999-2020, as compiled from data provided by the 57 vital statistics jurisdictions through the Vital Statistics Cooperative Program. Accessed at <http://wonder.cdc.gov/ucd-icd10.html> on Nov 3, 2022 12:51:23 PM

<sup>77</sup> Steven P. Segal, *Civil Commitment Law, Mental Health Services, and US Homicide Rates*, SOCIAL PSYCHIATRY AND PSYCHIATRIC EPIDEMIOLOGY, November 10, 2011, <https://web.archive.org/web/20170323153646/http://kendras-law.org/national-studies/commitmenthomiciderates.pdf>, last accessed August 19, 2022.

problems before they killed; 20 had been hospitalized for psychiatric problems; 42 had been seen by mental health professionals.<sup>78</sup>

A few representative cases from the period before 1960:

**New Haven, Conn. (1930)**

Jun. 21, 1930: The father had been involuntarily committed to a mental hospital. He escaped, threw his four children and wife from a 400-foot cliff, then jumped.

Category: family

Suicide: yes

Cause: mental illness

Weapon: other<sup>79</sup>

**New York, N.Y. (1953)**

Apr. 01, 1953: A college professor, 52, under psychiatric care, strangled his wife and their two children, then stabbed himself to death.

Category: family

Suicide: yes

Cause: mental illness

Weapon: strangled<sup>80</sup>

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<sup>78</sup> Laurie Goodstein and William Glaberson, *The Well-Marked Roads to Homicidal Rage*, NEW YORK TIMES, Apr. 10, 2000.

<sup>79</sup> *Maniac Veteran Kills His Family*, NEW BRITAIN HERALD, Jun. 23, 1930, 9.

<sup>80</sup> *Triple Murder, Suicide Apparent*, [Parsons, Kansas] PARSONS SUN, Apr. 04, 1953, 7.

### Eleva, Wisc. (1909)

Feb. 2. 1909: The father stabbed to death his four children, then “stabbed himself and then jumped from the barn loft with a rope around his neck. At the same time, he hurled a fire brand into the stable, firing the barn.”

Category: family

Suicide: Yes.

Cause: “[Father] was recently released from an insane asylum.”

Weapon: knife<sup>81</sup>

### Summary

Mass murder is not particularly new, nor is historical mass murder a peculiarly group activity. Almost everything can be, and has been, used to commit mass murder in America.

Mental illness is an important, often overlooked cause. The mass murder at Cleveland School, Stockton in 1989 that started California’s legislative focus on LCMs involved a mentally ill drifter with a history of involuntary commitment and a spotty record of outpatient treatment. As the California Dept. of Justice’s official report observed:

In an ideal world, ample resources would have been available to detect his problems, identify them as potentially dangerous and likely to result in his life being uselessly wasted, and to provide for a type of intervention with a reasonable prospect of making a difference. However, in a world in which

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<sup>81</sup> *Murders Whole Family and Then Kills Self*, [Pendleton, Ore.] EAST OREGONIAN, Feb. 22, 1909, 8.

government spending has to recognize realistic limits set by the public, such resources will never be plentifully available.<sup>82</sup>

This is an especially painful paragraph for me. My smarter, older brother's spiral down into schizophrenia resulted in brushes with the law but never with such a horrible ending. It was still a life wasted by California's confused and irrational mental health policy. Has more than 20 years of LCM laws, defenses of those laws, prison sentences for offenders, and dealing with other mass murders (not all with guns) *really* been cheaper than providing mental health care?

The focus of the State on the *method* of mass murder might be better spent on solving the underlying *causes*. The following abstract closes with a chilling sentence:

A case of an attempted mass shooting at a large psychiatric hospital in the United States by a 30-year-old male with severe mental illness, somatic delusions, and exceptional access to healthcare professionals is reported. Six persons were shot, one died at the scene, and the shooter was then killed by the police. Data were gathered from court documents and media accounts. An analysis of the shooter's psychiatric history, his interactions with healthcare professionals, and communications prior to the shooting suggest a rare form of mass murder, a random attack by a documented psychotic and delusional individual suffering with somatic delusions. Despite his being

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<sup>82</sup> Nelson Kempsky, *A Report to Attorney-General John K. Van de Kamp on Patrick Edward Purdy and the Cleveland School Killings*, October, 1989, 19, <https://schoolshooters.info/sites/default/files/Purdy%20-%20official%20report.pdf>, last accessed November 26, 2022.

psychotic, the killer planned the attack and made a direct threat 1 month prior to the shootings. **This case highlights problems with the healthcare system, indicating that it might be ill equipped to appropriately deal with severe mental illness.<sup>83</sup> [emphasis added]**

Confronting the extent which a shortage of mental health services and the difficult nature of involuntary mental health commitment in much of America would be a more effective strategy. A severely mentally ill person without an LCM could follow in the footsteps of previous generations and use less regulated weapons: ax, hatchet, knife, poison, trail derailment.

## **BACKGROUND AND QUALIFICATIONS**

A copy of my *curriculum vitae* is attached to this Declaration as ***Exhibit Cramer-1***.

I attended Sonoma State University where I received a Bachelor of Arts and master's degree in history. My Master's Thesis was "Concealed Weapon Laws of the Early Republic".

I was awarded First Place by the Association for Education in Journalism and Mass Communication Ethics Prize for my article "Ethical Problems of Mass Murder Coverage in the Mass Media," *Journal of Mass Media Ethics* 9:1 [Winter, 1993-94] 26-42.

I am currently employed as an Adjunct Professor College of Western Idaho, Nampa, teaching Western Civilization I and U.S. History I.

My publication "Why Footnotes Matter: Checking Arming America's Claims,"

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<sup>83</sup> Christine Sarteschi. (2015). *Severe Mental Illness, Somatic Delusions, and Attempted Mass Murder*. JOURNAL OF FORENSIC SCIENCES. 61. 10.1111/1556-4029.12876.

*Plagiary* 1(11):1-31 (2006) revealed the falsehoods presented in Michael A. Bellesiles's book "Arming America: The Origins of a National Gun Culture" (New York: Alfred A. Knopf, Inc., 2000), including significant discrepancies in American history and citations and quotes that did not match the historical record. Bellesiles' book contained quotations taken out of context, which completely reversed the author's original intent. Dates were altered and statutory text was changed to completely reverse the meaning of the law. The sheer volume of these errors, and their consistent direction, would seem to preclude honest error. Emory University conducted an investigation that strongly criticized Bellesiles' ethical standards; Bellesiles resigned from his tenured position at Emory. Columbia University initially awarded Bellesiles the Bancroft prize for his book "Arming America", but revoked the award after my research proved that the book was fraudulent.

**My publications include:**

- *Lock, Stock, and Barrel: The Origins of America Gun Culture*, Praeger Press, 2018;
- *Social Conservatism in An Age of Revolution: Legislating Christian Morality in Revolutionary America*, CreateSpace, 2016;
- *Historical Evidence Concerning Climate Change: Archaeological and Historical Evidence That Man Is Not the Cause*, CreateSpace, 2016;
- *My Brother Ron: A Personal and Social History of the Deinstitutionalization of the Mentally Ill*, CreateSpace, 2012;
- "What Did 'Bear Arms' Mean in the Second Amendment?" *Georgetown Journal of Law and Public Policy*, 6:2 [2008]. Co-authored with Joseph Edward Olson;
- *Armed America: The Remarkable Story of How and Why Guns Became as American as Apple Pie*, Nelson Current, 2006;
- *Concealed Weapon Laws of the Early Republic: Dueling, Southern Violence, and*

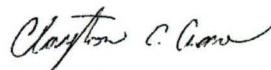
*Moral Reform*, Praeger Press, 1999;

- *Black Demographic Data, 1790-1860: A Sourcebook*, Greenwood Press, 1997;
- *Firing Back: Defending Your Right to Keep and Bear Arms*, Krause Publishing, 1995;
- *For The Defense of Themselves and the State: The Original Intent and Judicial Interpretation of the Right to Keep and Bear Arms*, Praeger Press, 1994;
- *By The Dim and Flaring Lamps: The Civil War Diary of Samuel McIlvaine*, Editor, Library Research Associates, Inc., 1990

I was retained at a rate of \$75/hour to prepare this declaration.

My compensation is not in any way dependent on the outcome of this or any related proceeding, or on the substance of my opinion.

I declare under penalty of perjury that the foregoing is true and correct. Executed within the United States on December 19, 2022.



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Clayton Cramer

## **EXHIBIT CRAMER-1**

**Clayton E. Cramer**  
36 Sunburst Road  
Horseshoe Bend, ID 83629  
(208) 793-3044  
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<http://www.claytoncramer.com>

## **EDUCATION:**

- |           |  |
|-----------|--|
| June 1998 | Sonoma State University, Rohnert Park, California<br>M.A. in History                     |
| June 1994 | <i>Master's Thesis:</i> "Concealed Weapon Laws of the Early Republic"<br>B.A. in History |

## **AWARDS:**

- 1993 Association for Education in Journalism and Mass Communication Ethics Prize  
First Place, Undergraduate Division

## TEACHING EXPERIENCE:

- Fall, 2017 – present      ***Adjunct Faculty:*** College of Western Idaho, Nampa, teaching **Western Civilization I, U.S. History I.**

Fall, 2014 – Spring, 2017      Recovering from stroke

Spring, 2010 – Spring, 2014      ***Adjunct Faculty:*** College of Western Idaho, Nampa, teaching **Western Civilization I, U.S. History I.**

Fall, 2009 – Summer 2010      ***Adjunct Faculty:*** ITT Technical Institute, Boise, teaching **State and Local Government** and **Introduction to Computers.**

Fall, 2003      ***Adjunct Faculty:*** Boise State University, teaching **U.S. Constitutional History** and at George Fox University (Boise Center), teaching **America and the World.**

1996      **Teaching Assistant:** Assisted Professor Peter Mellini in his course “Twentieth Century World.” I graded quizzes, exams, and answered weekly written questions from students. I also prepared and lectured about the rise of totalitarianism in the period between the world wars.

**BOOKS:**

*Lock, Stock, and Barrel: The Origins of America Gun Culture* Praeger Press, 2018

*Social Conservatism in An Age of Revolution: Legislating Christian Morality in Revolutionary America* CreateSpace, 2016

*Historical Evidence Concerning Climate Change: Archaeological and Historical Evidence That Man Is Not the Cause*  
CreateSpace, 2016

*My Brother Ron: A Personal and Social History of the Deinstitutionalization of the Mentally Ill*  
CreateSpace, 2012

*Armed America: The Remarkable Story of How and Why Guns Became as American as Apple Pie*  
Nelson Current, 2006

*Concealed Weapon Laws of the Early Republic: Dueling, Southern Violence, and Moral Reform*  
Praeger Press, 1999

*Black Demographic Data, 1790-1860: A Sourcebook*  
Greenwood Press, 1997

*Firing Back: Defending Your Right to Keep and Bear Arms*  
Krause Publishing, 1995

*For The Defense of Themselves and the State: The Original Intent and Judicial Interpretation of the Right to Keep and Bear Arms*  
Praeger Press, 1994

*By The Dim and Flaring Lamps: The Civil War Diary of Samuel McIlvaine,*  
editor  
Library Research Associates, Inc., 1990

**SELECTED PUBLICATIONS:**

"Bellesiles' Arming America Redux: Does the Gunning of America Rewrite American History to Suit Modern Sensibilities?" Southern Illinois University Law Journal Spring 2017 Forthcoming "

"Assault Weapon Bans: Can They Survive Rational Basis Scrutiny?"  
*University of Akron ConLawNow* 8:1, article 1.

Co-authored with David B. Kopel and Joseph Olson, "Knives and the Second Amendment," *University of Michigan Journal of Legal Reform*, 47:1 167-215 (2013).

"Mental Illness and the Second Amendment," 46 Conn. Law Review 4:1301 (2014).

Co-authored with David B. Kopel, "State Court Standards of Review for the Right to Keep and Bear Arms," 50 *Santa Clara Law Review* 101-208 (2010).

Co-authored with David B. Kopel, "The Keystone of the Second Amendment: Quakers, the Pennsylvania Constitution, and the Questionable Scholarship of Nathan Kozuskanich," 19 *Widener Law Journal* 277-320 (2010).

Co-authored with Nicholas J. Johnson and George A. Mocsary, "'This Right is Not Allowed by Governments that are Afraid of the People': The Public Meaning of the Second Amendment When the Fourteenth Amendment was Ratified," 17 *George Mason Law Review* 3:823-862 (2010).

Co-authored with Don B. Kates, "Second Amendment Limitations and Criminological Considerations," 61 *Hastings Law Journal* 1339-1370 (2009).

Co-authored with Joseph Edward Olson, "Gun Control: Political Fears Trump Crime Control," *Maine Law Review*, 61:1 [2009] 57-81

Co-authored with Joseph Edward Olson, "What Did "Bear Arms" Mean in the Second Amendment?" *Georgetown Journal of Law & Public Policy*, 6:2 [2008]

Co-authored with Joseph Edward Olson, "Pistols, Crime, and Public Safety in Early America." *Willamette Law Review*, 44, [2008]

"Why Footnotes Matter: Checking Arming America's Claims." *Plagiary* 2006 1 (11): 1-31 [29 September 2006]

"Michael Bellesiles and Guns in the Early Republic." *Ideas on Liberty* 52:9 [September, 2002] 17-22.

“The Peaceable Kingdom?” *Books & Culture: A Christian Review*, July/August 2002, 29.

“Confiscating Guns From America’s Past.” *Ideas on Liberty* 51:1 [January, 2001] 23-27.

“Disarming Errors.” *National Review*, October 9, 2000, 54-55.

“An American Coup d’Etat?” *History Today* [November, 1995].

“A Tale of Three Cities: The Right to Bear Arms in State Supreme Courts.” *Temple Law Review* 68:3 [Fall, 1995] 1178-1241. Co-authored with David Kopel and Scott Hattrup.

“‘Shall Issue’: The New Wave of Concealed Handgun Permit Laws.” *Tennessee Law Review* 62:3 [Spring, 1995] 679-757.

“The Racist Roots of Gun Control.” *Kansas Journal of Law & Public Policy* 4:2 [Winter, 1995] 17-25.

“Ethical Problems of Mass Murder Coverage in the Mass Media.” *Journal of Mass Media Ethics* 9:1 [Winter, 1993-94] 26-42.

A comprehensive list of popular magazine articles would run to many pages; for a complete list see <http://www.claytoncramer.com/popular/popularmagazines.htm>.

#### **CONFERENCES & EXPERT TESTIMONY:**

Ohio State Senate Judiciary Committee, March 22, 1995.

Michigan House of Representatives Judiciary Committee, December 5, 1995

American Society of Criminology, San Diego, Cal., November, 1997. “Fear And Loathing In Whitehall: Bolshevism And The Firearms Act Of 1920.”

American Society of Criminology, Chicago, Ill., November, 2002. “The Duty to be Armed in Colonial America.”

Assisted in research and writing of Respondent’s Brief and Academics for the Second Amendment and Claremont Institute amicus briefs for *D.C. v. Heller* (2008).

Panelist on "Up in Arms: The Second Amendment in the Modern Republic"  
University of Connecticut School of Law, November 15, 2013.

**WORKS CITED IN COURT DECISIONS:**

"'Shall Issue': The New Wave of Concealed Handgun Permit Laws," cited in *Pagel v. Franscell*, 57 P.3d 1226, 1234 (Wyo. 2002); *Moody v. ARC of Howard County, Inc.*, Civil No. JKB-09-3228 (D.Md. 2011).

"This Right is Not Allowed by Governments that are Afraid of the People!:"  
cited in *McDonald v. Chicago* (2010); *Ezell v. City of Chicago* (7<sup>th</sup> Cir. 2011).

"Second Amendment Limitations and Criminological Considerations" cited in *U.S. v. Yancey*, 09-1138 (7th Cir. 2010); *U.S. v. Chester*, 628 F.3d 673 (4th Cir. 2010); *U.S. v. Skoien*, 587 F.3d 803 (7<sup>th</sup> Cir. 2009).

"What Did 'Bear Arms' Mean in the Second Amendment?", cited in *D.C. v. Heller* (2008). In addition, significant parts of Justice Scalia's opinion are derived from amicus briefs that I helped to research and write.

*For the Defense of Themselves and the State*, cited in *Mosby v. Devine*, 851 A.2d 1031, 1052 (RI 2004) (Flanders, J., dissenting);  
*U.S. v. Emerson*, 46 F.Supp.2d 598 (N.D.Texas 1999); *State v. Sieyes* 225 P. 3d 995 (Wash. 2010).

"A Tale of Three Cities," cited in *State v. Mendoza*, 920 P.2d 357, 360 n. 4 (Hawaii 1996).

*Concealed Weapon Laws of the Early Republic*, cited in *Senna v. Florimont*, 958 A.2d 427, 433 (N.J. 2008).

"Mental Illness and the Second Amendment," cited in *In Re EC* (N.J.App. 2015).

A comprehensive and up to date list can be found at  
<http://claytoncramer.com/scholarly/journals.htm#citations>.

**LANGUAGES:**

Very basic reading competence in German.

**OTHER SKILLS:**

I have 35 years of experience as a computer software engineer, including embedded telecommunications equipment development, web page creation and maintenance. I also have an unusually detailed knowledge of the physical sciences (for an historian), a deep interest in the history of science and technology, and how both influence society.